REMARKS

The foregoing amendments and the following remarks are responsive to the May 22, 2003 Office Action. Claims 1-3, and 6-22 remain as originally filed, Claims 4 and 5 are amended, and new Claims 23 and 24 are added. Thus, Claims 1-24 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Comments on Amendment to the Specification

As described herein, Applicant has amended the paragraph beginning at page 8, line 13 to be grammatically correct. Applicant submits that this amendment does not add new matter to the present application. Applicant respectfully requests entry of this amendment.

Response to Rejection of Claims 1, 2, 5-8, 14, 21, and 22 Under 35 U.S.C. § 103(a)

In the May 22, 2003 Office Action, the Examiner rejects Claims 1, 2, 5-8, 14, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,268,849 to Boyer et al. ("Boyer").

Claim 1

With regard to Claim 1, the Examiner states that Boyer discloses "accessing a first database that includes program information describing the plurality of programs through program attributes" and "obtaining user-defined criteria identifying preferred program attributes and non-preferred program attributes." The Examiner also states that Boyer does not disclose "sorting through the first database to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes" as described by Claim 1. However, the Examiner states that Boyer teaches displaying a list of programs after a user selects a "movie category of database," and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply this teaching of Boyer, and that the system of Boyer has to sort the database as described by Claim 1.

Claim 1 defines a method of selecting programs from a plurality of programs, the method comprising (emphasis added):

> accessing a first database that includes program information describing the plurality of programs through program attributes;
> obtaining user-defined criteria identifying preferred program attributes and non-preferred program attributes; and
> sorting through the first database to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes.

Claim 1 is directed to the <u>determination of programs that have preferred attributes and that do not have non-preferred attributes</u>. See, for example, the following description in the present application at page 5, lines 6-19 in connection with Figures 4 and 5 for certain preferred embodiments (emphasis added):

> In a step 104, the method obtains <u>user-defined criteria that identify preferred program attributes and non-preferred program attributes of a user</u>. For example, the user-defined criteria identify the user's preferred genre (e.g., Action, Adventure) and the user's non-preferred genre (e.g., Musical, Cartoons). The user-defined criteria may further identify the user's preferred actors within the preferred genre, as well as the user's non-preferred actors within the preferred genre. ...
>
> In a step 106, the method sorts through the first database to <u>determine a program having program attributes that include the preferred program attributes and that exclude the non-preferred program attributes</u>. The method uses logical AND and logical NOT operations to sort through the first database, which permit the method to <u>include programs that match the user's preferences as defined through the preferred program attributes and to exclude programs that do not match user's preferences as defined through the non-preferred program attributes</u>.

Furthermore, at page 8, lines 5-18, the present application describes an exemplary embodiment utilizing an advanced recommendation engine ("ARE") to sort the program information (emphasis added):

> For example, the user may modify or override the general user profile and define the following profile:
> GENRE: Action, Adventure
> Preferred Actor(s): Clint Eastwood
> Non-Preferred Actor(s): Sandra Locke
> Era: 1970-1980
> The ARE interprets this user profile as "show me all action or adventure movies with Clint Eastwood but not with Sandra Locke that were released between 1970 and 1980." Upon activation of the ARE, the ARE determines all action or adventure movies that satisfy these criteria. <u>The ARE permits a user to define complex statements defining the user's preferences. A particular advantage is that the user may include and exclude certain criteria</u>.

Thus, the present application describes a method of determining programs that have the preferred attributes but do not have the non-preferred attributes. These programs can then be set up for selection by the user for viewing or recording, or they can be set up for automatic recording.

Applicant submits that Boyer does not teach, disclose, or suggest the method defined by Claim 1. In particular, Boyer does not teach, disclose, or suggest using one or more non-preferred attributes as a basis for excluding programs from a list of programs. Thus, Applicant

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submits that Claim 1 is patentably distinguished over Boyer, and Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1 and to pass Claim 1 to allowance.

Similarly, Applicant submits that the other prior art references of record do not teach, disclose, or suggest the limitations of Claim 1 not found in Boyer. U.S. Patent No. 6,172,674 B1 to Etheredge discloses an electronic programming guide that accesses user-defined filter criteria to select the programs listed for display (see, e.g., abstract). As described by Etheredge at column 20, line 67 - column 21, line 6 and Figure 29 (emphasis added):

> For the three columns, the left hand column represents what the user likes, the middle column represents what the user has no opinion of and the third column represents what the user dislikes. For example, row 952 graphically depicts the user's view list criteria, which indicates whether the user marked a particular program by viewing or not viewing (dislike).

In this way, Etheredge discloses separately labeling each individual program as being "liked," "no opinion," or "disliked." This feature of Etheredge is further illustrated by Etheredge which discloses using multiple selection levels each having a predetermined set of selection criteria to filter the television programming information (see, e.g., column 20, lines 27-35 and Table 1). While certain selection levels keep only programs marked as "liked" of the user (see, e.g., level 1 of Table 1), and other levels keep all programs except those marked as "disliked" by the user (see, e.g., level 5 of Table 1), none of the selection levels determine whether a program is both "liked" and "disliked."

In contrast, the present application describes embodiments in which various categories or program attributes (e.g., channel, actor, director, genre, language) are labeled as "preferred" or "non-preferred." The system disclosed by Etheredge does not allow for programs to have both preferred attributes and non-preferred attributes. Therefore, Etheredge does not teach, disclose, or suggest "sorting through the first database to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes," as defined by Claim 1.

U.S. Patent No. 6,481,011 B1 to Lemmons discloses an interactive television program guide system which utilizes preference profile of the user's interests. Each preference attribute (e.g., title, genre, viewing times, channels, actors) is associated with an identifying color, which is then used in the program guide to help the user quickly identify programs of interest (see, e.g., abstract). Lemmons does not teach, disclose, or suggest "sorting through the first database to

determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes," as defined by Claim 1.

For the foregoing reasons, Applicant submits that Claim 1 is patentably distinguished over the prior art references of record, and Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1 and to pass Claim 1 to allowance.

Claims 2 and 5-8

Claims 2 and 5-8 depends from Claim 1. Thus, each of Claims 2 and 5-8 includes all the limitations of Claim 1, as well as recites further limitations of particular utility. Therefore for the above-stated reasons with regard to Claim 1, Applicant submits that Claims 2 and 5-8 are patentably distinguished over the prior art. Applicant respectfully requests the Examiner to withdraw the rejection of Claims 2 and 5-8 and to pass these claims to allowance.

Claim 14

With regard to Claim 14, the Examiner states that Boyer discloses "a memory to receive and to store program information describing a plurality of programs through program attributes" and "a source of user-defined criteria, wherein the user-defined criteria identify preferred program attributes and non-preferred program attributes." The Examiner also states that Boyer does not disclose "a preference module configured to sort through the program information to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes" as described by Claim 14. However, the Examiner states that Boyer teaches displaying a list of programs after a user selects a "movie category of database," and that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply this teaching of Boyer, and that the system of Boyer has a preference module configured to sort the database as defined by Claim 14.

Applicant submits that Boyer does not teach, disclose, or suggest the method defined by Claim 14. Claim 14 defines an audio/video apparatus for selecting programs from a plurality of programs, the apparatus comprising (emphasis added):

> a memory to receive and to store program information describing a plurality of programs through program attributes;
> a source of user-defined criteria, wherein the user-defined criteria identify preferred program attributes and non-preferred program attributes; and
> a preference module configured to sort through the program information <u>to determine a program having program attributes that include the preferred program attributes and exclude the non-preferred program attributes</u>.

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As described above in relation to Claim 1, Boyer does not teach, disclose, or suggest determining a program having program attributes that include preferred program attributes and that exclude non-preferred program attributes. Thus, Applicant submits that Claim 14 is patentably distinguished over Boyer, and Applicant respectfully requests the Examiner to withdraw the rejection of Claim 14 and to pass Claim 14 to allowance.

Claims 21 and 22

Claims 21 and 22 depends from Claim 14. Thus, each of Claims 21 and 22 includes all the limitations of Claim 14, as well as recites further limitations of particular utility. Therefore for the above-stated reasons with regard to Claim 14, Applicant submits that Claims 21 and 22 are patentably distinguished over the prior art. Applicant respectfully requests the Examiner to withdraw the rejection of Claims 21 and 22 and to pass Claims 21 and 22 to allowance.

Response to Rejection of Claims 3, 4, 9-13, and 15-20 Under 35 U.S.C. § 103(a)

In the May 22, 2003 Office Action, the Examiner rejects Claims 3, 4, 9-13, and 15-20 under 35 U.S.C. § 103(a) as being unpatentable over Boyer in view of U.S. Patent No. 6,172,674 B1 to Etheredge.

Claims 3, 4, and 9-13

Claims 3, 4, 10, and 13 depends from Claim 1, Claim 9 depends from Claim 8 which depends from Claim 1, and Claims 11 and 12 depend from Claim 10. Thus, each of Claims 3, 4, and 9-13 includes all the limitations of Claim 1, as well as recites further limitations of particular utility. Therefore for the above-stated reasons with regard to Claim 1, Applicant submits that Claims 3, 4, and 9-13 are patentably distinguished over the prior art. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 3, 4, and 9-13 and to pass Claims 3, 4, and 9-13 to allowance.

Claims 15-20

Claims 15 and 18 depend from Claim 14, Claims 16 and 17 depend from Claim 15, and Claims 19 and 20 depend from Claim 18. Thus, each of Claims 15-20 includes all the limitations of Claim 14, as well as recites further limitations of particular utility. Therefore for the above-stated reasons with regard to Claim 14, Applicant submits that Claims 15-20 are patentably distinguished over the prior art. Applicant respectfully requests the Examiner to withdraw the rejection of Claims 15-20 and to pass Claims 15-20 to allowance.
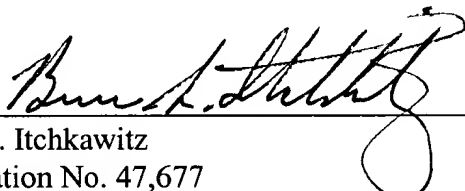
Comments on New Claims 23 and 24

Applicant has added new Claims 23 and 24 which are supported by the present application. Applicant submits that new Claims 23 and 24 are patentably distinguished over the prior art, and Applicant respectfully requests that the Examiner pass Claims 23 and 24 to allowance.

Summary

For the foregoing reasons, Applicant submits that Claims 1-24 are in condition for allowance, and Applicant respectfully requests allowance of Claims 1-24.

Respectfully submitted,

Dated: _____9/22/03_____   By: _____

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